



The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

Phone (302) 998-2215 Fax (302) 998-9920

MEMORANDUM

To: Chairman Paul Chalfant
Town of Elsmere Board of Adjustment

From: Chairman Charles G. Lindell
Town of Elsmere Planning Commission

Re.: Petition 12-13

Date: June 13, 2012

Dear Chairman Chalfant,

At the June 5, 2012 meeting of the Town of Elsmere's Planning Commission, the Commission reviewed Petition 12-13 regarding Tax Parcel Number: 19-00-500-087. In this application, the applicant is seeking a variance to install a 36 sq ft. sign at a height of 26 ft., which exceeds the allowable 20 ft., as stated in section 225-38 of the Town's Code, at the property known as 109 Baltimore Ave. After hearing testimony and having their questions answered, the Commission Members in attendance voted to recommend that the Board of Adjustment **Approve** the application.

Sincerely,

Charles G. Lindell, Chairman
Town of Elsmere Planning Commission

Mayor

Deborah A. Norkavage

1st District Councilman
President Pro-Tempor

John Jaremchuk Jr.

2nd District Councilman

Steven Burg

3rd District Councilman
Robert Kacperski

4th District Councilman

Charles McKewen

5th District Councilwoman
Secretary of Council

Joann I. Personti

6th District Councilman
Richard Moore

Town Treasurer

Paul Chalfant

City Solicitor

Edward McNally



The Town of Elsmere

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Application for Hearing

☒ Board of Adjustment

☒ Planning Commission

Petition # 12-13 Filing Fee: - Date Received 5-16-12 Received by: BS

Subject Property: 100 Baltimore Ave., W.L., DE 19805

Property is: ☐ Residential ☒ Commercial

Tax Parcel # 1900500087 Zoning District: GI

Applicant name:

Topp Signs, Inc.

Address: 457 E. New Churchmans Rd Telephone # 302-322-1600

City: New Castle State: DE Zip Code: 19720

☐ Application for Planning Commission Review of: _____

☒ Application for Zoning Variance Related to: Exceed 20' height for wall sign

☐ Front yard setback

☐ Lot Coverage

☐ Rear yard setback

☐ Fencing

☐ Side yard setback

☐ Parking requirements

☐ Lot Area

☒ Signage

☐ Application for Special Exception Use Permit for the following use: N/A

☐ Application for Appeal of an Administrative decision: N/A

By: _____ Date: _____

For the following reasons: N/A

☐ Application for relief other than above: N/A

State reasons for this request: The sign requested has a height from grade of ~~26~~ 26' exceeding the 20' limit. The sign can only be seen from Rt 100 bridge. The height of the sign in relation to the bridge is about 8'. If we lower the sign to meet code it won't be easily visible from the bridge and of no use

Has a previous application for this property been filed with the Town? ☒ Yes ☐ No

If yes, Petition # 12-5

If the applicant is not the Legal Owner of the property:

Legal owner information:

Name: Philip Gardner

Address: 109 Baltimore Ave, Telephone # 302-230-7130

City: Wilmington State: DE Zip Code: 19805

Please submit the following with this petition:

- A copy of a plot plan showing the following: location of the property; a diagram showing the layout, size, and location of existing structures on the property; a diagram showing the layout, size, and location of any proposed structures on the property.
- A copy of any deed restrictions on the property.
NOTE: THE BOARD OF ADJUSTMENT OR PLANNING COMMISSION CANNOT APPROVE ANY APPLICATION PROHIBITED BY DEED RESTRICTIONS.
- Filing fee, payable to the Town of Elsmere.

The undersigned hereby certifies that the legal owner of the subject property is aware of, and agrees to the filing of this application, that the information submitted herein is correct, and agrees to be bound by any decision of the Town of Elsmere Board of Adjustment with respect to the subject property.

NOTE: The legal owner or his/her authorized representative must sign this form.

Applicant's Signature:  Date: 5/16/12

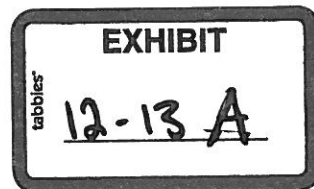
Legal Owner's Signature: _____ Date: _____

In addition to the persons listed above please send copies of all correspondence to:

Name: Phil Gardner

Address: 109 Baltimore Ave Telephone # 302-230-7130

City: Wilmington State: DE Zip Code: 19805



Site Analysis
Petition 12-13

Property Owner: Phillip Gardner
Zoning District: GI
Address: 109 Baltimore Ave.
Parcel No.: 1900500087

Primary Use: Commercial

LOT COVERAGE CALCULATIONS

Lot Area in Sq. Ft.:	12,197	Sq. Ft.	
Allowable Lot Coverage:	10,368	Sq. Ft. (85%)	
Total Coverage:	6,830	Sq. Ft. (56%)	
❖ Residence=	N/A	Sq. Ft.	N/A
❖ Front Porch =	N/A	Sq. Ft.	N/A
❖ Garage=	N/A	Sq. Ft.	N/A
❖ Driveway=	N/A	Sq. Ft.	N/A
❖ Rear Patio=	N/A	Sq. Ft.	N/A

Proposed Addition:	0	Sq. Ft.	N/A
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Proposed Total:	6,830	Sq. Ft. (56%)	
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Conclusion: No additions or site improvement proposed.

Required Setbacks:	Front: 20	Rear: 20
	Side: 0	Both Sides: 0

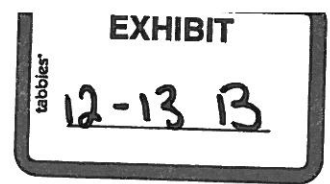
Existing Setbacks:	Front: Undetermined	Rear: Undetermined
	Side: Undetermined	Both Sides: Undetermined

Proposed Setbacks:	Front: Undetermined	Rear: Undetermined
	Side: Undetermined	Both Sides: Undetermined

Conclusion: No changes to current setbacks proposed.

STATEMENT OF FACT

Applicant seeks to install a 12'x 3' (36 sq.ft) sign at a height of 26' above grade with direct lighting installed overhead.



ISSUE

1. Section 225-9 of the Town's Code requires a site review by the Planning Commission.
2. Section 225-38 of the Town's Code restricts sign height to 20' max above grade. The proposed sign is 24' above grade and 26' to the top of the lights.
3. In accordance with section 225-37 (B) (3) of the Town's Code, the size of the sign (36 sq.ft) will comply due to the building being located 50' from the roadway.
4. The sign was previously considered and approved by the Planning Commission on April 3, 2012 and the Board of Adjustment on April 24, 2012 (Petition 12-5). This sign must be reconsidered by both committees due to changes in the construction of said sign.

12'-0"

3'-0"

B-SAFE SECURITY

www.bsafearms.com



**TUPP
SIGNS**

ESTABLISHED 1928

457 E. New Churchmans Rd.
(302) 322-1600

Project Name: B-Safe Security

Scale: 3/4" = 1'

THIS SKETCH AND DESIGN IS THE EXCLUSIVE
PROPERTY OF THE TUPP SIGN CO. AND CANNOT
BE REPRODUCED IN ANY FORM WITHOUT PROPER
AUTHORIZATION.

Date: 05/03/12 Authorized By:

Page#

Drawing Copyright 2012 by Tupp Signs, Inc.

Site Conditions:

Location- Ft Smere, DE
Design Wind Speed- 90 MPH
Exposure Class- "C"
Soil Grade- N/A
Mounting Height- 22.5 FT
Installation Conditions:

As Detailed on plan

ENGINEERING

GEORGE RICHARD DAVIS
P.O. Box 520, Rosenhayn, NJ 08352
(856) 692-8900, (856) 896-0402 fax
DavisEngineering@comcast.net

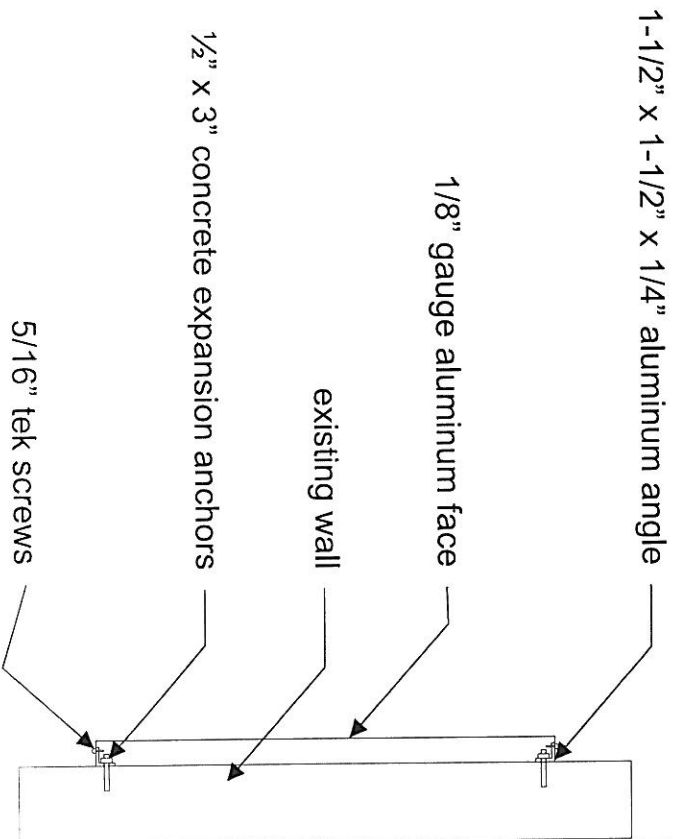
Sign Installed
Per I.B.C. 2009

DE Licensed Professional Engineer
Number 12644, Date 5/05/12

EXHIBIT

12-13 C

12-13 C





12'-0"

3'-0"

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Page # _____

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EXHIBIT
12.13 E
tabbles®



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Date: 05/03/12 Authorized By:

Scale: 1/4" = 1'

Page#

From: Philip H Gardner [phgardner@bsafealarms.com]
Sent: Wednesday, March 21, 2012 3:32 PM
To: Craig Hanna
Cc: 'Doug Goldberg'
Subject: Plot Plan/Deed Restrictions
Attachments: 109 S Old DuPont Survey.pdf



Craig,

Attached is a plot plan for 109 Baltimore Avenue per your request.

Also, there are NO Deed restrictions for this property.

Thanks for your help.

phg

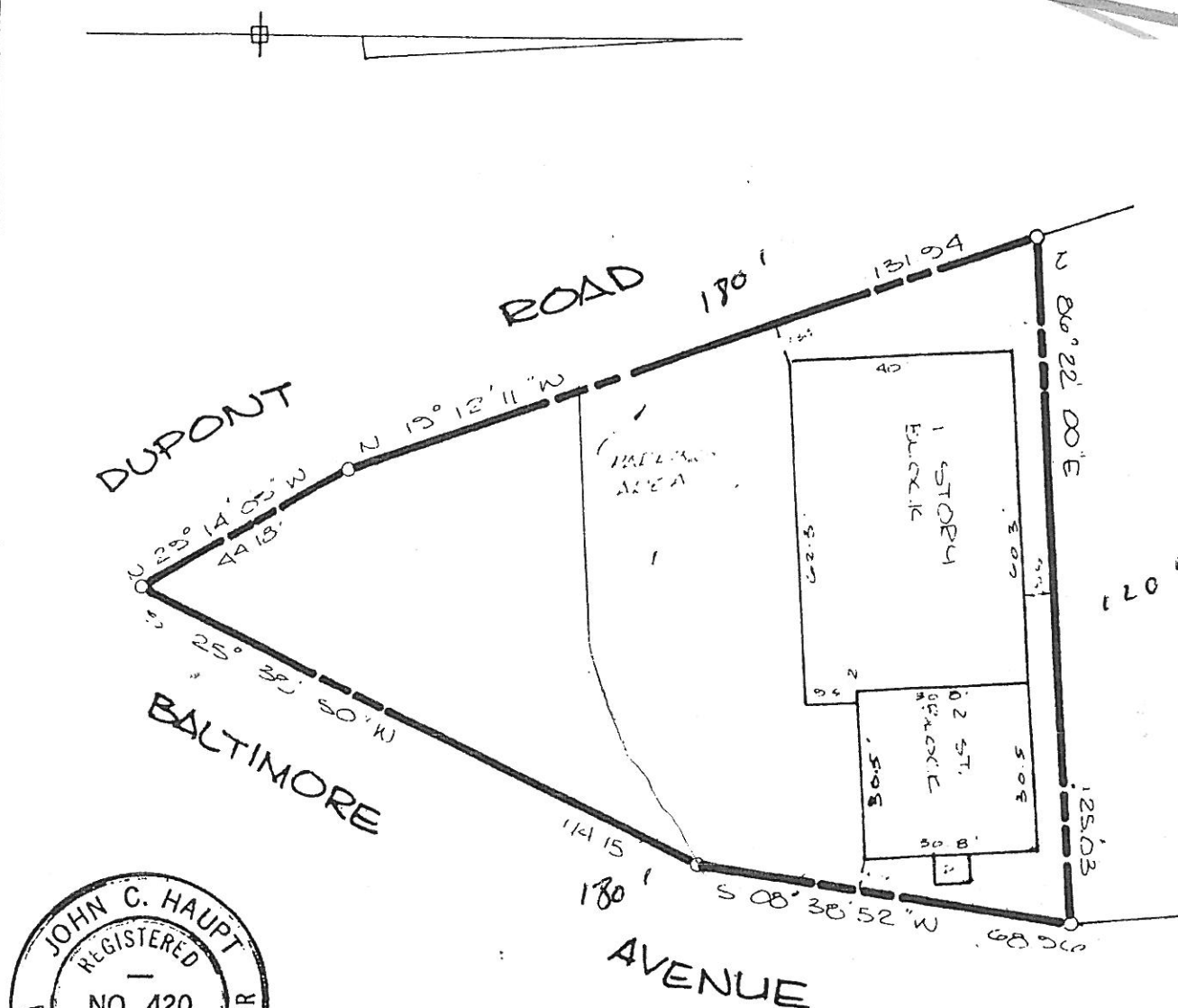
Philip H Gardner
Managing Member
Old DuPont Road Properties, LLC

Philip H. Gardner 302.230.7130 Direct 866.270.1788 Fax 302.275.1705 Cell
President

B-SAFE
SEC

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<http://www.bsafealarms.com>



THIS IS TO CERTIFY THAT THIS PARCEL LIES WITHIN ZONE X, (AREA DETERMINED TO BE OUTSIDE 500 YEAR FLOOD PLAIN AS SHOWN ON F.I.R.M. PANEL COMMUNITY NUMBER 100023 0001B, revised Sept. 8, 1987.

Building location dimensions are for verifying Zoning Code & Deed Restrictions requirements only. Unless indicated, property corners are not marked.

MORTGAGEE'S INSPECTION PLAN

109 S. DUPONT ROAD
LOTS 104, 105, 106, 107
ELSMERE
CHRISTIANA HUNDBLE
NEW CASTLE COUNTY - DELAWARE

FIRST STATE MORTGAGE SURVEYS, INC.

605 Market Street Mall • Suite 200 • Wilmington, Delaware 19801

Scale: 1"=30' JULY 7, 1987

Fax Parcel Number: 19 005 00 087

Reference is made to the plan of ELSMERE.

891043

